

6498. Adulteration and misbranding of olive oil (so-called). U. S. * * * v. 2 Cases * * * of Olive Oil (so-called). Default decree of condemnation, forfeiture, and sale. (F. & D. No. 8851. I. S. No. 1358-p. S. No. E-989.)

On March 11, 1918, the United States attorney for the District of Connecticut, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel for the seizure and condemnation of 2 cases, each containing 12 one-gallon cans of olive oil (so-called), remaining unsold in the original unbroken packages at Hartford, Conn., alleging that the article had been shipped, on or about January 15, 1918, by the Messina Importing Co., New York, N. Y., and transported from the State of New York into the State of Connecticut, charging adulteration and misbranding, in violation of the Food and Drugs Act as amended.

Adulteration of the article was alleged in the libel for the reason that an oil other than olive oil, probably corn oil, had been mixed and packed therewith so as to reduce, lower, and injuriously affect its quality and strength, and had been substituted in part for olive oil, which the article purported to be.

Misbranding of the article was alleged for the reason that the statement borne on the labels of the cans, to wit, "Olive Oil," was intended to be of such a character as to induce the purchaser to believe that the product was olive oil, when, in truth and in fact, it was not, and for the further reason that it was an imitation of, and was offered for sale under the distinctive name of, another article, to wit, olive oil; and for the further reason that the statement borne on the label, to wit, "1 Gallon Net," purported to profess that the article contained 1 gallon of olive oil, whereas there was a shortage of 4.41 per cent in each gallon; and for the further reason that it was food in package form, and the quantity of the contents was not plainly and conspicuously marked on the outside of the package in terms of weight, measure, or numerical count.

On August 23, 1918, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was ordered by the court that the product should be sold at a private sale by the United States marshal.

J. R. RIGGS, *Acting Secretary of Agriculture.*